

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVID AARON TENENBAUM, et al.,

Plaintiffs,

v.

Case No. 09-CV-10612

UNITED STATES DEPARTMENT OF
DEFENSE, et al.,

Defendants.

**ORDER DENYING AS MOOT FIRST MOTION TO DISMISS AND SETTING BRIEFING
AND HEARING DATE ON SECOND MOTION TO DISMISS**

On June 3, 2009, Defendants filed a motion to dismiss, which the court set for hearing on July 15, 2009. Thereafter, Plaintiffs filed an amended complaint as a matter of course, see Fed. R. Civ. P. 15(a), and Defendants filed a second motion to dismiss, directed at the amended complaint. On June 30, 2009, the court conducted a telephone conference with the parties who confirmed that, in light of the subsequent amendment, the earlier-filed motion to dismiss is now moot. Accordingly,

IT IS ORDERED that Defendants' June 3, 2009 motion to dismiss [Dkt. # 15] is DENIED AS MOOT.

IT IS FURTHER ORDERED that the court will conduct a hearing on Defendants' June 22, 2009 motion to dismiss [Dkt. # 20] on **July 15, 2009 at 2:00 p.m.** Defendants' optional reply brief is due by **July 6, 2009**.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 6, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 6, 2009, by electronic and/or ordinary mail.

S/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522